1949

File No. O Wakf/4

Legal Deptt

A BRANCH

Subject:— Opinions under the

Musalaman Wakf Act

1923

1974/(E)

5.71.n

File No. (C) Wakf/49

1949. File No. O Wakf/49

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(87 A/B)

5.71-A

File No. (2) Wakf/49

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C O N T E N T S

Legal Department File No. O. Wakf /49

Sr. No.	R.I./O.No.	Subject	Pages.
		Musalman Wakf Act, 1923	
1.	9604 / 26-8-49	Sec.s 11 and 6-O(2)- Terms and conditions of employment of the senetary of the Wakf Committee. Whether Rules have been made under	1-2
2.	11442 / 26-7-49 — 10157 / 6-9-49	Whether there would be any legal, objection to restoring to the Mutawalli the Wakf property together with the balance of Rs. 852-15-11.....	3-6
3.	16110 / 4-10-49 — 12832 / 14-11-49	Sec. 6 M -- Whether court can take steps under-- for the removal of two Mutawallis who resigned and the other two who are not traced since 1942, and appointment of new Mutawallis	7-8

29/6
Mjr/6/6
5 Cs.

Office of the R.L.A.

The Mussalman Wakf Act. 1923
...
Sections 11 and 6-O (2).

It is true that the terms and condition of employment have to be prescribed by Rules made under section II read with section 6-O (2) of the Mussalman Wakf Act, 1923. But no rules have been made prescribing the terms and conditions of employment of the Secretary of the Wakf Committee. However to avoid any conflict it appears that the Court has been taking the sanction of Government in fixing the salary of the Secretary of the Wakf Committee. Government may insist on the sanction of Government beforethe Court can increase the present salary of the Secretary. Steps should however be taken to frame rules prescribing the terms and conditions of the employment of the Secretary.

Sd/- P.M.Lad
25/8/

O.C.

Remembrancer of Legal Affa...

U.R. to R.D. No. 9664, dated the
26th August 1949

Mjr/6/6
4 Cs.

Submitted.

The facts of the case in brief are as folllows:-

The late M.S.Dadi Amasaheb dedicated some property to the Shriwardhan mosque as Wakf. In 1912 owing to some disputes among the wahiwat.-dars of the mosque-, the management of the property was taken over by the State Govt. under the orders of H.H. ~~the~~ the Nawab. The latter ordered that the income of the property should be given to the Mutawalli of the mosque, every year under sanction of the State Govt. for meeting the expenses of the mosque. The Mutawalli & other Mohemedans have now applied requesting Govt. to restore the Wakf property in their charge and to pay the income of the property for the year 1946-47. The Collector & Chief Administrator, Kolaba & the Commissioner S.D. Belagau m see no objectio to handing over the said Wakf property, as there is no necessity for Govt. to continue to manage it.

R.L.A. has been requested to advise in the matter.

Mjr/6/6

4 Cs.

Office of the R.L.A.

Mussalman Wakf Act, 1923.

Since the Mussalman Wakf Act, 1923 has already come into force in the merged Janjira State area there would be no legal objection to restoring to the Mutawalli the Wakf property together with the balance of Rs. 852-15-11

Sd/- P.M.Lad

o.c. 6/9/

Remembrancer of Legal Affairs.

U.R. to R.D. No. 10147, dated the 6th September 1949.

Mjr/6/6

4 Cs.

R.I. No 16110
4-10-49

Office of the R.L.A.

Section 6 M of the Mussalman Wakf Act, 1923.

In view of the fact that out of the four Mutawallis of the Wakf in the present case two resigned long ago and the other two though reported to be residing in Bombay are not traced since 1942, the Court may take steps under section 6 M of the Mussalman Wakf Act, 1923 for the removal of these Mutawallis and appointment of new Mutawallis.

Sd/- P.M.Lad
12/11

O.C.

Remembrancer of Legal Affairs

U.R. to R.D. No. 12832 dated the 14th November '..

Mjr/o/6
4 Cs.